

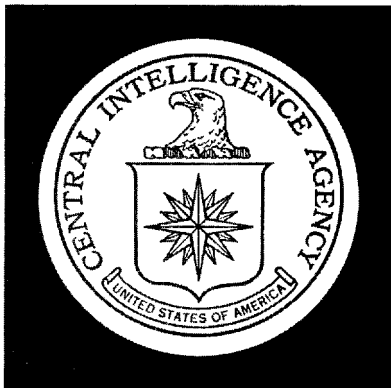
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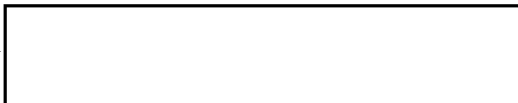
MEMORANDUM

The Situation in Vietnam

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2 March 1967



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HIGHLIGHTS

There are indications that a decision by the military establishment on its candidate for president may be made in the next few days.

I. The Military Situation in South Vietnam:
Communist soldiers have again shelled the US artillery positions near the DMZ; however, no damage was reported (Para. 1). An ARVN division headquarters was attacked by Viet Cong guerrillas on 1 March in southern Bac Lieu Province (Para. 2). According to a captured document, Viet Cong personnel and food losses were extremely heavy in Binh Dinh Province last fall (Paras. 3-7).

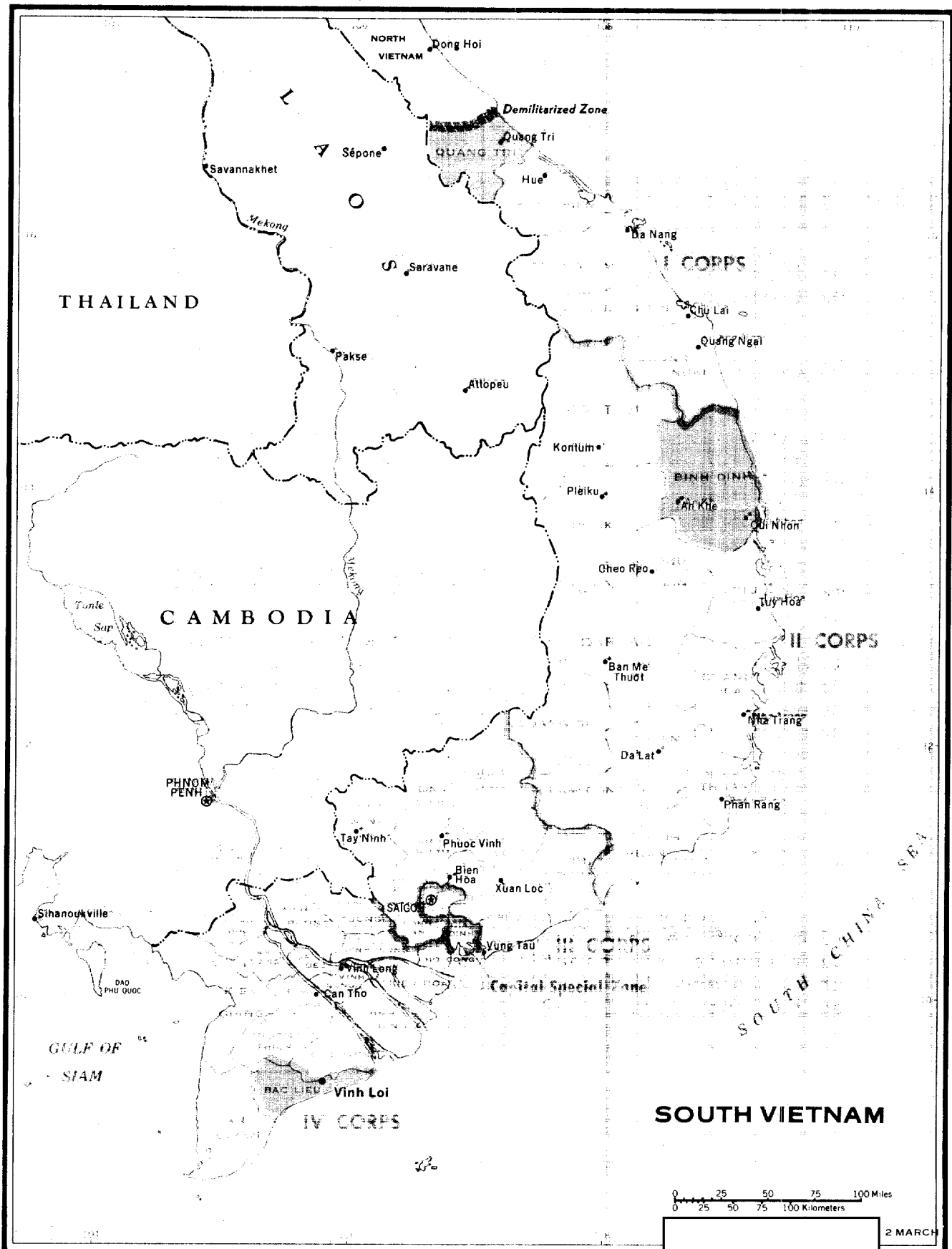
II. Political Developments in South Vietnam:
The Constituent Assembly approved 11 more articles of the constitution and wrapped up the chapter on the judiciary in its last three sessions (Paras. 1-3).

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III. Military Developments in North Vietnam:
There is nothing of significance to report.

IV. Other Communist Military Developments:
There is nothing of significance to report.

V. Communist Political Developments: A Liberation Front central committee statement reaffirms the Viet Cong's determination to continue fighting until the US meets the Front's demands for a peaceful settlement (Paras. 1-2).



I. THE MILITARY SITUATION IN SOUTH VIETNAM

1. In another attempt to disrupt activities of the US Marine 175-mm. heavy artillery just south of the DMZ in northernmost Quang Tri Province, North Vietnamese Communists attacked the US positions with 180 rounds of 81-mm. mortar fire early on 2 March. In two similar attacks on the previous night, 475 81-mm. mortar shells were directed at the artillery sites. The latest attack caused no personnel casualties nor has any damage been reported to the heavily sandbagged, self-propelled artillery, which has been shelling Communist positions in the DMZ and in North Vietnam since late last week.

2. The Viet Cong shelled a South Vietnamese Army division headquarters in the delta late on 1 March for the second consecutive night. Ten to 15 rounds of 75-mm. recoilless rifle fire struck the 21st ARVN Division compound and adjacent housing area near Vinh Loi in the southern province of Bac Lieu. Four ARVN soldiers were wounded during the attack, which also resulted in civilian casualties of four killed and 21 wounded. A three-battalion ARVN reaction force was dispatched, but no contact with the attackers has been reported.

Viet Cong Report Severe Losses in Binh Dinh

3. In a captured letter dated 20 January 1967 a Viet Cong district cadre in Binh Dinh Province detailed to a superior the serious losses suffered by the Communists during allied sweep operations on 23 September and 2 October 1966 in Phu Cat and southern Phu My districts.

4. The letter complained that a large portion of the population fled the area because of the operations, that both the political and the military structures of the districts were in "critical condition," and "worse still," that almost all of the area's material resources were burned or looted. Rice rations for Communist cadres and soldiers, which had previously been ten kilograms a month per man, were now "completely inadequate."

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5. The allied military sweeps referred to in the letter are probably portions of Operation IRVING, which was conducted in the Phu Cat - Phu My area in September and October 1966. According to the US data, approximately 16,000 refugees left the IRVING operational area, which had been largely Communist-controlled, and the Viet Cong suffered heavy casualties.

6. The letter's reference to a previous 10-kilogram monthly rice ration for each cadre and soldier indicates that food supplies were inadequate even before the allies destroyed supply caches. Standard rations for Viet Cong combat troops in other areas of the country usually average 22 or 23 kilograms a month, and rations which fall below this dietary standard are supplemented with potatoes and manioc, which the Vietnamese regard as less appetizing and less nutritious.

7. Under optimum conditions, it would take the Communists considerable time to recover from losses of this severity in personnel, food, and in their popular base. The letter writer's reference at the conclusion of his letter to a hope for the future revival of Viet Cong influence in the area indicates that by late January 1967 no significant progress had yet been made in improving conditions. This may be a result of continuing allied operations in the area.

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II. POLITICAL DEVELOPMENTS IN SOUTH VIETNAM

1. The Constituent Assembly finished up the chapter of the constitution dealing with the judiciary on 28 February and, on 1 and 2 March, began debate on the "special institutions" or councils, approving 11 more articles of the constitution in all. In its approved form, the article governing the selection of the Supreme Court provides for an indirect "election" rather than the straight nomination of the candidates. The Supreme Court will consist of between nine and 15 judges chosen by the legislature from a list "elected" by the association of judges, the association of prosecutors, and the association of lawyers. The president, however, must then appoint the Supreme Court judges from the legislature's list. The court is empowered to declare laws unconstitutional and to dissolve political parties upon a vote of three-fourths of the judges, after consultation with representatives from the legislative and executive branches.

2. Under the broad heading of "special institutions," the Assembly provided for a "special court" of five senators and five representatives headed by the chairman of the Supreme Court to remove high-level government officials from office for treason or other serious crimes. The motion to bring charges against high officials must be made by a simple majority of both legislative houses and approved by two thirds of all the members of both houses; however, in the case of charges against the president and vice president, the vote must be two thirds for the motion and three fourths for approval. Once the motion is approved, the special court must muster a two-thirds vote to make the charges binding, except in the cases of the president and vice president, for which the vote must be three fourths.

3. During the 2 March morning session of the assembly, the deputies provided for yet another watchdog organization in the form of an inspectorate. An inspectorate had originally been proposed as a fourth branch of the government when the basic

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principles of the constitution were being worked out, but that concept was dropped. Basically, the inspectorate will be empowered to propose disciplinary measures and request prosecution of delinquent government employees in the courts. Although the exact duties of the inspectorate will be spelled out in subsequent legislation, it will probably function as an investigative office concerned with such matters as corruption at levels below the high offices governed by the special court.

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III. MILITARY DEVELOPMENTS IN NORTH VIETNAM

1. There is nothing of significance to report.

IV. OTHER COMMUNIST MILITARY DEVELOPMENTS

1. There is nothing of significance to report.

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V. COMMUNIST POLITICAL DEVELOPMENTS

1. The Liberation Front representative in Hanoi called a press conference on 28 February to release a new NFLSV central committee statement reaffirming Viet Cong determination to continue fighting until the US meets the Front's demands for a peaceful settlement. The statement called for cessation of US bombing, recognition of the Front ("the sole genuine representative of the South Vietnamese People") withdrawal of US troops, and willingness to let the South Vietnamese people settle their problems according to the program of the Front. The statement emphasized the five-point Communist formula for a peaceful settlement. It also accused President Johnson of ignoring the DRV foreign minister's recent gesture of "good will" and the Front's offer to extend the Tet cease-fire. The statement included a lengthy catalogue of alleged US "crimes" in Vietnam and protested against "new steps of escalation."

2. The release of this statement appears to be designed to record publicly that the Vietnamese Communists' position on a settlement of the war has not changed despite speculation engendered in the month since DRV Foreign Minister Trinh's statement on peace talks on 28 January.

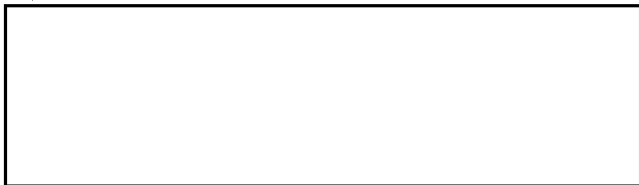
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